

United States District Court

WESTERN DISTRICT OF WASHINGTON

RANDY SMITH,

v.

STEVEN SINCLAIR

JUDGMENT IN A CIVIL CASE

No. C09-5766 RBL/KLS

____ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 X **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

- (1) The Court adopts the Report and Recommendation;
- (2) Defendant's motion to dismiss (Dkt. 12) is **GRANTED** and Petitioner's writ of habeas corpus (Dkt. 5) is **DISMISSED WITH PREJUDICE as time-barred based on 28 U.S.C. § 2244(d)**; and
- (3) The Court declines to issue a Certificate of Appealability.

May 18, 2010
Date

BRUCE RIFKIN
Clerk

s/ Mary Trent
Deputy Clerk